

12 March 1987
OCA 87-0911

MEMORANDUM FOR: D/ICS
DDS&T
Comptroller
AG/L&ICA/OGC
AGC/DDO

FROM: Legislation Division
Office of Congressional Affairs

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SUBJECT: H.R. 1131

1. Attached is a copy of H.R. 1131, a bill introduced by HPSCI Chairman Stokes, to repeal Sections 9126 and 9133 of last year's Department of Defense Appropriations Act. As you recall, those sections had overridden Section 502 of the National Security Act of 1947, which otherwise bars the obligation or expenditure of funds not specifically authorized. Enactment of Sections 9126 and 9133 had been secured by the appropriations committees so as to allow the expenditure of funds for a particular program which they had appropriated but which the intelligence authorization committees had not authorized.

2. This bill, in effect, undoes Sections 9126 and 9133, thereby restoring the original state of affairs. It is the response of the HPSCI "authorizers" to the "appropriators" success of last year and as such is only the latest "volley" in the continuing struggle between the two groups.

3. It is possible that the substance of the bill could be added to the HPSCI version of the intelligence authorization bill. The "appropriators," however, could respond by again undoing the original restriction as they did last year. We will, in any event, keep you informed of the bill's progress. To date, there is no Senate companion.

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Attachment:
as stated

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100TH CONGRESS
1ST SESSION

H. R. 1131

To require that fiscal year 1987 intelligence funds be specifically authorized by the Congress.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1987

Mr. STOKES introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

A BILL

To require that fiscal year 1987 intelligence funds be specifically authorized by the Congress.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That notwithstanding section 9126 or section 9133 of the
4 Department of Defense Appropriations Act, 1987 (Public
5 Law 99-500 and Public Law 99-591), only funds specifically
6 authorized by the Congress in accordance with section 502 of
7 the National Security Act of 1947 may be obligated or ex-
8 pend for intelligence or intelligence-related activities.

○

reimbursed pursuant to subsection (a) per centum thereof shall be paid or agent or attorney on account of service such reimbursement, and the same act to the contrary notwithstanding. This section is a misdemeanor punishable by \$1000.

Under the Secretary of Defense shall take development of planning, research, and related matters and shall develop electronics design research and development restricted to military components re-ray Differential Equation Machine.

Under any other provision of law, appropriation of Defense during the current year to make payments to a hospital that its operating funds from contributions provides to the treatment of heart and that payment may not be denied for a service submitted under a plan 1079(a) and 1086(a) of title 10, United States that such hospital does not impose a patient cost share or deductible, on its services.

Under the provisions of subsection 502(a)(1) of 1947, funds appropriated by this Act for particular intelligence activities provided, That the funds appropriated or may be obligated and expended for the and in this Act should the enactment of a Appropriation Act for fiscal year 1987 fail to be considered to provide the authority necessary to obligate and expend

Under any other provision of law, where an amount four or greater in a financial ratio is in application for extension made by any F.R. Section 124.1—(1)(f)(4)(i) (effective amount extension shall be granted.

Under funds provided by this Act may be used to on or persons who authorize the transfer of appropriated appropriations into the Reserve for Intelligence Agency.

Under appropriated in this Act for the procurement Secretary of the Navy may carry out classified Maritime Surveillance Agreement that two of the P-3C aircraft to be problem United States obligations under

Under appropriated by this Act for construction Intelligence Agency, which are transferred to on, shall remain available until expended.

SEC. 9131. Section 642 of S. 2638, as passed by the Senate on August 9, 1986, shall be deemed to be enacted into law as fully as if set forth herein: Provided, That the total amount herein appropriated for "Military Personnel" appropriations accounts shall be reduced by \$350,000,000.

SEC. 9132. During the current fiscal year, the Department of Defense shall conduct a new competition for 9mm handguns, with procurement starting in fiscal year 1988 in parallel with the current contract.

SEC. 9133. Funds appropriated to the Department of Defense during fiscal year 1987, or otherwise available for obligation during fiscal year 1987, shall be available for obligation notwithstanding any provisions contained in any Act authorizing appropriations for the Department of Defense for fiscal year 1987, heretofore or hereafter enacted, that would otherwise limit obligations of the aggregate amount that may be obligated at the appropriation account level, appropriations subdivision level, or appropriation budget activity level, unless a subsequently enacted provision expressly and specifically references this provision and directly amends or repeals this provision.

SEC. 9134. (a) Notwithstanding any other provision of this Joint Resolution, none of the funds appropriated in this or any other Act shall be used to sell, lease, transfer, or otherwise dispose of any portion of the approximately twenty-six acres of Fort DeRussy, Hawaii, lying southwest of Kalia Road, which includes the Hale Koa Hotel, the Armed Forces Recreation Center, and beachfront area.

(b) Notwithstanding any other provision of this Joint Resolution, to include section 509 of the Department of the Treasury, Postal Service, and General Government Appropriations Act as contained in this Joint Resolution, or any other provision of the law, including section 809 of the Military Construction Authorization Act, 1968, section 807(d) of the Military Construction Authorization Act, 1984, or any other provision of an annual Appropriation Act restricting use of funds for the sale, lease, rental, or excessing of Fort DeRussy, Hawaii, any right or interest of the United States in the remaining forty-five acres of Fort DeRussy, Hawaii, lying northeast of Kalia Road, which comprises the three United States Army Reserve Centers and miscellaneous facilities, may not be sold, leased, or transferred in accordance with Federal laws and Department of Defense regulations governing the disposal of Defense installations prior to August 1, 1987: Provided, That no such sale, lease, transfer, or other disposition proposed by the Secretary of the Army after August 1, 1987 shall occur until 60 legislative days after notification of the proposed action to the Committees on Armed Services and Appropriations of the House of Representatives and Senate.

(c) The exact acreage and legal descriptions of the property addressed by this section shall be determined by surveys which are satisfactory to the Secretary of the Army.

SEC. 9135. None of the funds appropriated or otherwise made available by this or any other Act may be obligated or expended during fiscal year 1987 for, or in connection with, a Strategic Defense Initiative Institute unless—

(1) obligation or expenditure of funds for such purpose is specifically authorized by law in an Act other than this Act; and

